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The Most Popular Honolulu House of Prayer, 1917

VOL. XI. No. 1958.

HONOLULU, TERRITORY OF HAWAII, THURSDAY, OCTOBER 3, 1901.

PRICE 5 CENTS.

W. J. ENGLAND IS FOUND NOT GUILTY

Of Violating a Certain Regulation of Board of Health.

IMPORTANT CASE IN DISTRICT COURT TODAY

Attorney Lewis Points Out a Statute Which He Claims Board of Health Has Overridden.

W. J. England of England & Co., plumbers, arrested the other day on the charge of violating certain of the plumbing regulations by failing to secure a permit from the Board of Health allowing him to do certain plumbing in the house of one Smith, on King street, appeared for trial in the Police Court this forenoon. He was represented by A. Lewis, Jr. Deputy Sheriff Chillingworth appeared for the Government.

The defendant pleaded not guilty. The principal witness for the prosecution was E. G. Keen, the plumbing inspector under the Board of Health, who, when questioned by the prosecuting officer, stated that the defendant had gone to work on the plumbing in the house mentioned without first having secured the permit necessary before anything of the kind is done.

According to the warrant issued against Mr. England, this was all the prosecution was required to prove, but Attorney Lewis had a trump card to his sleeve which he played for all it was worth. He got Mr. Keen to admit that Mr. England's job in the case had always been of a sanitary nature. Then he came to the particular case in hand and the witness would not admit that the job was sanitary; neither would he say it was sanitary, pleading as his reason for this failure to inspect closely the work that had been done by Mr. England without a permit.

Mr. Keen said the defendant had not used the "extra heavy" pipe required by the Board of Health regulations, but had put in what is known as "standard" pipe. Attorney Lewis then asked the witness if the rules had not been changed so that "extra heavy" pipe in cases such as the one upon which the apprehension of the defendant had been based was done away with and "standard" pipe allowed. In answer to the affirmative was replied. Thus having established fully that Mr. England's work had been satisfactory even to the plans submitted to the plumbing inspector, Attorney Lewis dismissed his witness.

The deputy sheriff having closed his case with the testimony of Mr. Keen, Attorney Lewis moved for the discharge of the defendant, which was granted by Judge Dickey without comment.

In his argument, Attorney Lewis dwelt particularly on the following section of the Penal Laws: "The Board of Health may make such regulations respecting nuisances, sources of filth and causes of sickness within the respective districts of the Republic, and on board of any vessel, as it shall judge necessary for the public health and safety."

He said that the regulations of the Board of Health, if they were in conflict with this section, fell to the ground. The Board could not override everything and it could not override this section, which provides for the making of regulations in the cases of nuisances and insanitary conditions. These regulations did not apply to Mr. England's job on King street, since there was absolutely no evidence to the effect that it was insanitary.

The prosecution contended that it was not necessary to show that the defendant had done a sanitary or any other kind of job. It had been proved that he had not secured the requisite license, and that was all necessary.

H. C. Barrow Leaving.

Judge H. C. Barrow, vice president and manager of the Pacific Union Oil Company, who has been stopping at the Moana Hotel for several weeks past, will return to San Francisco in the Mariposa this afternoon, to attend to some business in connection with the company which he represents. He will return to Honolulu in a few weeks.

FOR RENT

The Only Vacant House

IN MANOA VALLEY

Has two bedrooms and all modern improvements; \$40 a month.

Also large residence on the Waikiki Beach near the Annex; \$60 a month for seven months.

McCLELLAN, POND & CO.
REAL ESTATE - INSURANCE - INVESTMENTS

THE FEDERAL COURT JURY

Judge Ettee this morning pronounced the following amendment to rule 100 of the United States District Court:

"The adverse party or parties shall each advance the sum of ten dollars, at least, on entering their first appearance, or filing for the first time any answer or other paper."

Deputy District Attorney J. J. Dunne was instructed to draft a rule for presentation tomorrow regarding the drawing of additional jurors whom necessary. Judge Ettee feared that the drawing of the grand and trial juries for the coming term might have depleted the names. In case of a deficiency of jurors, he seemed it better to draw new ones from a prepared list rather than drafting them from the bystanders. There was a trust case to be tried by jury, and probably several other cases, and the court desired that there should be a list of sufficient names to draw upon. The attorney would consult with the clerk as to the number of names left in the box before drawing up the rule ordered.

TWO MONTHS GALE OFF CAPE HORN

The German ship Sirene after a remarkably slow passage from Bremen arrived this morning with a full cargo of general merchandise for H. Hackfeld & Co. After leaving Bremen the Sirene had very fair weather until the Horn was reached. For two months she battled with gales, head winds and the roughest of seas.

The big crew were nearly despairing of ever getting out into the Pacific but at last the bad weather subsided and the vessel doubled the Cape. From the time she got into the Pacific ocean to port unusually fine weather prevailed and except for the two months spent off Cape Horn the entire voyage was uneventful.

The Sirene was formerly the British ship Oceano of Glasgow and her name was changed when she was put under the German flag. Her last trip was from Europe to Japan then to Tacoma to load wheat for Antwerp. After discharging here the vessel will sail for the Sound to load for Antwerp again. She is lying at Brewer's wharf.

For groceries ring up Blue 311.

LAST PERFORMANCE.

Positively the last performance of "The Belle of New York" will be given tonight. "The Gaiety Girl" will be staged on Saturday afternoon and evening. This has been one of the most successful pieces of the company's repertoire. Doors will be open for the matinee at 1:30. Performance to start at 2 sharp. Children will be admitted to all parts of the theater at half price.

Plumbing Inspector's Report.

E. G. Keen, inspector of plumbing and house sewers, reports for September:

Plans filed, 132.
Permits issued, 132.
Inspections of plumbing and house sewers, 255.
Final certificates issued, 106.
Sewer connections made, 60.

Marseilles, which has been trying for some time to be made a free port by an act of the legislature, now hopes to get President Loubet to gratify its desire by decree. The city lawyers think they can prove that the executive power is competent to act in the matter.

The Evening Bulletin, 75 cents per month.

SUPREME MOMENTS OF LATE PRESIDENT'S LIFE

Cincinnati, Sept. 12.—The Commercial Tribune prints the following from its Buffalo correspondent:

"I must confess that the most profoundly interesting note in this great scene has been the unveiling of the President's beautiful religious spirit. It has been a distinct surprise to me. Those who have not been intimately associated with him have been inclined to regard his apparent piety as a more or less conscious posture. But in that first terrible hour when he believed that he was about to die he turned his thoughts heavenward and bore himself like a Christian gentleman."

When he was lifted on the operating table Dr. Mann said: "Mr. President, we intend to cut into you at once. We allowed one President to die. We don't intend to lose you."

"I am in your hands," murmured the President.

Mr. McKinley was lifted on the operating table, stripped for the dreadful ordeal. The doctors were ready to administer ether. The President opened his eyes and said that he was about to enter a sleep from which he might never wake. He turned his great hazel eyes sorrowfully upon the little group. Then he closed the lids. His white face was suddenly lit by a tender smile. His soul came into his countenance. The sun lit moved. A singular and almost supernatural beauty possessed him, mild, childlike and serene. The surgeons paused to listen.

"Thy kingdom come, Thy will be done." The voice was soft and clear.

CIRCUIT COURT TERM BUSINESS

Final Accounting of J. A. Magoon in re Love Trust.

CONDITION OF ESTATE OF JAMES HUTCHINGS

Cases Dropped for Want of Prosecution--Stillman Estate Account--Captain Bergstrom's Estate Administration.

Judge Gear resumed the hearing of the Hagley Cure case this morning. At noon he held a chambers session, disposing of two matters. The Grand Jury came in with a report as mentioned elsewhere.

The master's report of A. G. Kaulukou on the account of W. O. Smith, guardian of the Hamakua minors, was confirmed by Judge Gear.

Rev. V. H. Kiteat was appointed guardian without bond of the person and property of Mrs. Harry Bellman alleged insane person, and authorized to sell the personal property whenever he sees fit.

Judge Little had a busy morning without a jury. At the outset he further reserved a decision in the case of Honolulu Investment Co. vs. Helen K. Rowland and others, the hearing of which was concluded yesterday evening.

John Cook vs. Colt Holman came up on demurrer, with Davis for plaintiff and De Bolt for defendant. The demurrer was sustained, an amended complaint admitted and time given defendant to answer until 1:30 p. m.

M. Suzuki vs. Hiram Purdy was heard on motion to quash the service of summons. Davis and De Bolt were again the contending attorneys. The motion was granted, after which Mr. Davis for plaintiff was allowed to withdraw from the files of the court the record in the case.

W. J. England's suit against M. C. Amama for \$518 debt is discontinued for want of prosecution.

The appeal of Chong Chan against judgment in favor of M. Phillips & Co. for \$54.39 in Honolulu District Court is dismissed for want of prosecution.

In the matter of the estate of James Love, a spendthrift, the final account and receipt of J. A. Magoon, guardian, have been filed. The receipt is to Thomas Fitch for \$1838.18 in full settlement of the account. "It being understood that in case it contains any omissions or overcharges the same shall be adjusted." In the account with his guardian, Love is credited with an overcharge of \$62.10 interest.

The final account of Frederick L. Waldron, administrator of the estate of James Hutchings, deceased, has been referred to J. A. Thompson for master's report. It shows receipts of \$15,444.15 and payments of \$14,960.28, leaving a balance due the estate of \$483.87. The net value of the grocery business forming the estate, including cash balance in administrator's hands, is \$4258.30, besides which there is household furniture valued at \$750.

SEPTEMBER'S MORTALITY

There were 99 deaths in Honolulu in the month of September. The monthly death rate per thousand was 152.

Marriages reported for the month were 52, and births 39.

By nationality the deaths were 24 Hawaiian, 27 Chinese, 11 Portuguese, 14 Japanese, 1 British, 6 United States and 6 others.

Under one year of age there died 26 persons, from one to five 18, five to ten 4, ten to twenty 6, twenty to thirty 12, thirty to forty 13, forty to fifty 6, fifty to sixty 3, sixty to seventy 3, over seventy 4.

Two deaths were of non-residents. Of post mortem examinations there were 5, deaths investigated 4, still births 5, Coroner's inquests 4.

Causes of death are thus summarized: febrile 10, diarrheal 6, diphtheria 3, constitutional (including 12 of tuberculosis) 20, developmental 7, nervous 16, circulatory 4, respiratory 13, digestive 13, urinary 2, osseous and integumentary 1, accident and violence 2, homicide 1, suicide 1.

FIRE INQUEST.

High Sheriff Brown will this afternoon select jurors for a fire inquest in the case of the recent blaze in the Bailey Cycle on King street near Alameda. The jury will meet, choose a foreman and then adjourn to a later date. The calling of the jury comes about at the request of the insurance companies interested in the property destroyed. Ever since the night of the fire there have been hints of incendiarism and there is a possibility that something more than hints will come out at the coming deliberations of the fire jury.

Flock Exchange Committee.

The following standing committees for the Honolulu Stock Exchange have been appointed to serve during the coming year:

Membership—H. Armitage, F. M. Lewis, W. W. Brown.
Investigation—J. H. Fisher, F. Hussey, W. M. Giffard.
Executive—R. W. Shingle, H. Armitage, W. A. Love.
Finance—W. M. Giffard, E. C. Macfarlane, A. C. Lovelock.
Arbitration—F. Hustace, J. R. Galt, A. J. Campbell.
Stock List—W. E. Brown, A. Raas, R. W. Shingle.

CAPTAIN MCLURE'S SHIP.

Captain McClure, formerly of the bark Tolani, which was run into and sunk off the California coast about two years ago, has been given command of the big four-masted ship Fort George, vice Captain Morse, retired.

Captain McClure is well known at this port and is one of the oldest skippers in the employ of Brewer & Co.

From the Coast the Fort George will take cargo to Newcastle for this port. If she gets here in time it is probable that she will take a load of sugar around the Horn from here or Hilo.

London has 90 different trade guilds, of which the oldest is the porters', founded a little over 700 years ago.

ROBERTSON AGAIN LEADS

Players—	Votes.
ROBERTSON	9,146
GORMAN	8,730
THOMPSON	5,046
HERRICK	1,699
CHILLINGWORTH	1,639
GLEASON	1,483
LESLIE	951
MOSSMAN	855
MAHUKA	391
JACKSON	357
JOY	355
BABBITT	355
WILLIAMS	355
DAYTON	313
BROWN	309
KAAI	167
BOWERS	152
GAY	96
FREITAS	96
SHELDON	96
WRIGHT	53
LOUIS	52
BULLOCK	47
SIMMONS	42
MOORE	36
LUCAS	29
MARCELLINO	19
WELSH	19
RICHARDSON	15
SCATTERING	129

In addition to the coupons to be cut from the first page of the Bulletin, new subscribers are to be given receipts with coupons attached, entitling them to votes as follows:

One month 40 votes
Three months 150 votes
Six months 350 votes
One year 750 votes
Weekly Edition, 1 year, 100 votes

These coupons are detachable and must be torn from the subscription receipts and deposited in the ballot box the same as the first page coupons. It will be seen that for 25 the subscription price of the Evening Bulletin for one year, 750 votes are allowed to a new subscriber, whereas the same amount of money would buy only 190 votes if spent for single copies of the Bulletin on the street. The sum of \$1

CHINESE CLAIMS APPEAR HONEST

They Average Scarcely One Hundred Dollars.

COMMISSION PLEASSED WITH SHIPSHAPE FORM

Exception Taken to Sweeping Reflections of Dishonesty Upon Fire Claims in General by the Star.

Chinese claims were again before the Fire Claims Commission this morning. This series is of individual claimants for personal property destroyed in the plague fires.

The Commissioners express themselves as highly pleased with the orderly shape in which all Chinese claims have been presented. With regard to these small personal claims now being heard, there is a prima facie aspect of good faith about them. Those heard this morning will average scarcely \$100 each and Chairman F. W. Macfarlane said at noon that he doubted if the list as a whole would average more than \$75.

"In answer to our questions," said Mr. Macfarlane, "it appeared that the claimants had lived in the islands for thirty-five years. Now it is reasonable to believe, knowing as we do the thrift of the Chinese, that he must be an exceptional specimen of the race who has not accumulated at least \$75 worth of property in the average of such periods of residence."

Commissioner J. G. Pratt, taking to a reporter, took exception to the inviolable comments of the Star upon the claims in general.

"It treats the claimants in sweeping terms as if dishonesty were the rule with them," said Mr. Pratt. "As a matter of fact, the palpably exorbitant claims are exceptional, forming really but a small percentage of the whole."

John Martin has been arrested on the charge of stealing chain, pencils and the like from the night school back of Kawaiahao Church. The following boys were also arrested today and are being held as witnesses in Martin's case: Jimmie Hiancho, John Martin No. 2, and Willie Andrade.

David Dayton has been appointed administrator of the estate of Olaf Bergstrom, deceased, under bond of \$250. The estate is valued at \$2500, being all realty. The heirs are the widow and three children.

Jim Kuphie, the big turnkey at the police station, has been assigned to special duty and his place is being taken by A. L. Duncan.

MORE STREET BEGGING

Ananias Diaz, an old Porto Rican, very much emaciated and with every appearance of being in extremely bad health, appeared before Judge Dickey this morning on the charge of vagrancy. He was arrested yesterday afternoon by Officer Apana, for begging alms along on King street and when searched at the police station, the sum of \$80.65 was found.

Attorney Kaulukou who appeared for the defendant, tried his best to get Judge Dickey to put the case over until tomorrow and this was about to be done when the defendant asked to have his case go right on then and there.

Ananias had absolutely no case. It was found that he had been begging on the streets of Honolulu for a month or two past. He asked the judge to be easy with him and promised to leave the country at the very first opportunity. All the pleading of the defendant and the citations of Attorney Kaulukou from the life of Christ did not avail and Ananias was sent to jail for two weeks.

THE LUCKY THIRTEEN AT LAST DISCOVERED

The Grand Jury by its foreman, D. Kawanakoa, this morning reported to the Circuit Court before Judge Gear that, after full investigation, the bills of indictment had been ignored in the following cases:

1. Kaulukou, charged with mayhem.
 2. Ah Chong, larceny second degree.
 3. Fom Aukal, alias Konotillili, larceny second degree.
 4. Ah Sing, larceny second degree.
 5. Apua, mayhem.
 6. Kahoonui, mayhem.
 7. William Perry Jr., malicious injury.
 8. Tanaka, malicious injury.
 9. Hannele Kaliko, malicious injury.
 10. Kalani and Keau, malicious injury.
 11. Hao, malicious injury.
 12. Lono Kalaiki, embezzlement.
 13. John Watpa, malicious injury.
- Thus the Grand Jury has discovered what the world has been vainly seeking for centuries, the lucky thirteen.

POLICE COURT NOTES.

The following cases were disposed of in the Police Court this forenoon: Lewis Lanford, larceny in the second degree, nolle prosequi; Benedita and J. P. Figueroa, selling liquor without a license, \$100 and costs each, both defendants pleading guilty; Domingo Pacheco, vagrancy (begging alms on the streets of Honolulu), (w) weeks' imprisonment at hard labor; M. Vasconcellos, assault and battery on A. Marmon, two weeks' imprisonment at hard labor.

In the case of Vasconcellos, the defendant said that he did not know whether he would plead guilty. He would first have to see the man he was alleged to have assaulted. He was given the opportunity and was singularly silent afterwards. With yesterday's light sentence and today's sentence of like nature, Vasconcellos will have a month to do.

A Porto Rican was arrested this morning by Officer Palenapa on the charge of drunkenness. His state was such that the clerk could not learn his name. On the man's person were found the following articles: A purse with some small change, a brass tag from Oahu plantation, No. 164; a package of tobacco, and last but not least, a cake of soap that bore evidences of having been used.

M.P.D. The Merchants' Parcel Delivery COMPANY.

Delivers packages to any part of the city for 10c upwards. Try them. Phone Blue 621. Packages shipped to all parts of the United States and Europe. Office, 1047 Bethel St., opposite Honolulu Market.

SODERGREN WILL SERVE SENTENCE

His Appeal Abandoned By San Francisco Counsel.

TERM OF SIX MONTHS FOR CRUELTY TO SAILOR

Judge Ettee Declines to Accept the Surrender of Defendant Until Receipt of Official Advice.

Captain F. O. Sodergren, master of the bark Hesper, wanted to surrender himself to the United States District Court this morning, so as to be sent to Oahu prison to serve his sentence, but Judge Ettee could not accept his person at that time.

W. A. Kinney appeared with Captain Sodergren as his counsel, and stated the preparedness of the bondsmen to surrender the sailor and receive their own discharge. The proceeding was ventured on the suggestion that Captain Sodergren's appeal had been discontinued in the Circuit Court of Appeals for the Ninth Judicial Circuit of the United States, at San Francisco.

There was no official notification to hand, however, that the appeal had been dismissed. Judge Ettee therefore stated that he could not accept Captain Sodergren's voluntary surrender. If the bondsmen chose to give him up, the court could only order the commitment of the defendant to jail to await official advice regarding the status of his appeal. Only when a remittitur arrived from the appellate court would it be advisable to receive the defendant and commit him to prison for serving the term of his sentence.

Captain Sodergren and First Mate Stewart were convicted by a jury in the Federal court here of assaulting a sailor upon the high seas, it being on the voyage of the bark Hesper from Newcastle, N. S. W., to this port. The testimony was that the sailor had been beaten with fists, feet and a heavy pin. They were sentenced to imprisonment at hard labor, the master for six months and the mate for eight months, in Oahu prison. But defendants noted an appeal, but that of Stewart was not perfected, and he is now serving out his sentence.

It was found expedient to employ private counsel at San Francisco to prosecute Captain Sodergren's appeal. Mr. Frank was engaged. Unofficial word arrived by the Mariposa that Mr. Frank had dismissed the appeal, which had confirmation enough all but legally in the arrival by the same steamer of the appellant to surrender himself. Deputy District Attorney Dunne had intended going to San Francisco to fight the appeal, both on technical points, and the merits of the case. By the Mariposa's mail he received a private letter from the District Attorney of San Francisco, stating that the appeal had been dismissed. The reason given for Mr. Frank's abandonment of the case is that the expense of printing the transcript of record would be too great.

It is expected that the remittitur from the appellate court will be received within twelve days at the outside. Mr. Kinney said in court that, under the circumstances, he prefers to let the defendant remain out on bail in the meantime, as his surrender now involved his confinement in jail for an unknown period before beginning to serve his sentence.

PETTY THIEVES.

The agents of the American-Hawaiian steamships have been greatly annoyed of late by the theft of many small articles which have been taken from broken boxes and crates among the cargo put out by the big steamers at the railroad wharf. Among the goods taken were claret, beer and soap.

A strict watch is hereafter to be kept and special policemen will be employed to look after people on the wharf who have no business there.

HONEST WEAR FOR THE MONEY

IS WHAT EVERY BUYER WANTS AND EXPECTS.



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So it Makes No Difference

What price shoe you buy from us—you can depend on having your MONEY'S - WORTH.

Pleasing Styles, Pleasing Wear at Pleasing Prices is What Pleases Our Trade.

Manufacturers Shoe Co., 1057 Fort Street.